

From: Steven Bach
To: microsoft.atr
Date: 12/17/01 3:52pm
Subject: Microsoft Settlement

Hello,

I am writing to protest the proposed DOJ settlement with MicroSoft. The net result of this settlement is in no way punitive, nor does it help to resolve past damages, or do enough to prevent future predatory monopolistic behavior by Microsoft.

Specifically, currently many of MS's most serious competitors are Open Source software projects headed by non-profit foundations. Section III(J)(2) makes it clear that these groups would not be entitled to API documentation. While it is outrageous that only for-profit corporate entities would be considered worth of documentation, the fact that no for-profit corporate entities appear to be able to compete with MS, while projects run by various non-profit foundations are in many cases more successful than MS (Apache, BIND, sendmail) makes it ludicrous. This must be addressed.

Section III(D) makes it outlines that MS will disclose to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only(!). The most important competition is running on a non-commercial level. Consider that even our Gov't, for instance NASA, the national laboratories, the military, the National Institute of Standards and Technology -- even the Department of Justice itself -- have no rights. In some cases nat'l labs and other groups produce free software, and it makes no sense for the gov't to exclude itself from the right to access MS's APIs. This too must be addressed.

Even with these aspects rectified I do not think that the settlement is adequate. A split of the company into four groups (HW, Developer Tools, Applications, Server Software), along with a substantial fine would be the only proper way to dispense justice to the guilty party.

Thanks for your time,
Steven Bach